

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing the protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an applicant for authorization pursuant to section 7 of the Natural Gas Act.

Kenneth F. Plumb,
Secretary.

[FR Doc 86-8063 Filed 4-9-86; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ORD-FRL-2999-4]

Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7049, 41 FR 11255), has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. The new equivalent method is an automated method (analyzer) which utilizes a measurement

principle based on pulsed fluorescent detection of SO₂.

The new designated method is: EQSA-0486-060, "Thermo Electron Instruments, Inc. Model 43A Pulsed Fluorescent Ambient SO₂ Analyzer," operated on the 0-100 ppb,* the 0-200 ppb*, the 0-500 ppb, or the 0-1000 ppb range with either a high or a low time constant setting and with or without any of the following options:

- 001 Teflon Particulate Filter Kit
- 002 Rack Mount
- 003 Internal Zero/Span Valves with Remote Activation
- 004 High Sample Flow Rate Option

*Note.—Users should be aware that the designation of ranges less than 500 ppb are based on meeting the same absolute performance specifications required for the 0-500 ppb range. Thus, designation of these lower ranges does not guarantee commensurably better performance than that obtained on the 0-500 ppb range.

This method is available from Thermo Electron Instruments, Inc. 108 South Street, Hopkinton, Massachusetts 01748. A notice of receipt of application for this method appeared in the *Federal Register*, Volume 51, January 17, 1986, page 2565.

A test analyzer representative of this method had been tested by the applicant, in accordance with the test procedures specified in 40 CFR Part 53. After reviewing the results of these tests and other information submitted by the applicant, EPA has determined, in accordance with Part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina, and will be available for inspection to the extent consistent with 40 CFR Part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by states and other control agencies under requirements of 40 CFR Part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual provided with the method and subject to any limitations (e.g., operating range) specified in the applicable designation (see description of the method above). Vendor modifications of a designated method used for purposes of Part 58 are permitted only with prior approval of EPA, as provided in Part 53. Provisions concerning modification of such methods by users are specified under Section 2.8 of Appendix C to 40 CFR

Part 58 (Modifications of Methods by Users).

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

(1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.

(2) The analyzer must not generate any unreasonable hazard to operators or to the environment.

(3) The analyzer must function within the limits of the performance specifications given in Table B-1 of Part 53 for at least 1 year after delivery when maintained and operated in accordance with the operation manual.

(4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with Part 53.

(5) If such an analyzer has one or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchasers of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzer has been cancelled or if adjustment of the analyzers is necessary under 40 CFR Part 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR Part 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, Environmental Monitoring Systems Laboratory, Department E (MD-77), U.S. Environmental Protection

Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method will provide assistance to the states in establishing and operating their air quality surveillance systems under Part 58. Additional information concerning this action may be obtained by writing to the address given above or by calling Larry Purdue at (919) 541-2665. Technical questions concerning the method should be directed to the manufacturer.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not a major regulation because it imposes no additional regulatory requirements, but instead announces the designation of an additional equivalent method that is acceptable for use by states and other control agencies for purposes of 40 CFR Part 58, Ambient Air Quality Surveillance or other applications where use of a reference or equivalent method is required.

This notice was exempted by the Office of Management and Budget for review as required by Executive Order 12291.

Donald J. Ehreth,
Acting Assistant Administrator for Research and Development.

[FR Doc. 86-7941 Filed 4-9-86; 8:45 am]

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[FRL-2998-2]

California Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its warranty regulations pertaining to 1983 and later model year passenger cars, light-duty vehicles, medium- and heavy-duty vehicles and motorcycles. These amendments provide for the following:

1. A reduction of the manufacturers' warranty liability from 5 years/50,000 miles to 2 years/24,000 miles for specific fuel metering and ignition system components in vehicles certifying to California's optional emission standards;
2. The addition of certain emissions-related parts to California's "Emissions Warranty Parts List"; and

3. Specification of warranty obligations under the newly created biennial vehicle inspection program.

I find these amendments to be within the scope of previous waivers of Federal preemption granted to California for its warranty regulations.

ADDRESSES: Copies of the California amendments at issue in this notice, a Decision Document containing an explanation of my determination, and documents used in arriving at this determination, are available for public inspection during normal working hours (8:00 a.m. to 4:00 p.m.) at the Environmental Protection Agency, Central Docket Section, Gallery I, 401 M Street SW., Washington, DC 20460 (Docket EN-84-07). Copies of the Decision Document can be obtained from EPA's Manufacturers Operations Division by contacting Ms. McKnight as noted below.

FOR FURTHER INFORMATION CONTACT: Cynthia Garrett McKnight, Attorney/Advisor, Manufacturers Operations Division (EN340-F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-2521.

SUPPLEMENTARY INFORMATION: Under section 209(b) of the Clean Air Act, as amended (Act), the Administrator must waive Federal preemption for California's standards and accompanying enforcement procedures unless certain findings are made. If California acts to amend previously waived standards or enforcement procedures, the change may be included within the scope of the previous waiver if, (1) it does not undermine California's determination that its standards, in the aggregate, are as protective of public health and welfare as comparable Federal standards; (2) the amendments do not affect the consistency of California's requirements with section 202(a) of the Act and (3) raise no new issues concerning EPA's previous waiver determinations.

California has previously received waivers of Federal preemption for its warranty regulations. In a letter dated December 5, 1983, the California Air Resources Board (CARB) requested EPA's concurrence in its view that certain new amendments to its warranty regulations fall within the scope of previous waivers of Federal preemption.

I have determined that CARB's amendments are within the scope of waivers previously granted pursuant to section 209(b) of the Act.¹ CARB's

amendments provide for the following: (1) A reduction of the manufacturers' warranty liability from 5 years/50,000 miles to 2 years/24,000 miles for specific fuel metering and ignition system components for vehicles certifying to optional standards under California Health and Safety Code § 43101.5(a); (2) the addition to California's "Emission Warranty Parts List" of sealing gaskets or devices and mounting hardware used in conjunction with emission-related components; (3) specification for repairs to be diagnosed and performed under warranty when a vehicle fails to comply with the requirements of the newly created biennial vehicle inspection program.

For reasons discussed in detail in the Decision Document, I find that these amendments do not undermine California's determination that its standards are, in the aggregate, at least as protective as Federal standards. Further, the amendments do not cause any inconsistency with section 202(a) of the Act and raise no new issues regarding previous waivers. Thus, the amendments meet the criteria for being considered within the scope of previous waiver decisions. (See 44 FR 61096 (October 23, 1979)).

An issue, separate from my determination under section 209, has arisen in relation to this "within the scope" determination. That issue is whether the Federal defect warranty (section 207(a) of the Act) applies in California despite the waiver of Federal preemption for California's warranty provisions. I have determined that EPA may enforce the Federal section 207(a) warranty requirements for California-certified vehicles which are affected by CARB's reduced warranty amendment. A full explanation of my determination is contained in the Decision Document, which may be obtained from EPA as noted above.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find, pursuant to section 307(b)(1) of the Act, that this decision is of nationwide scope and effect. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings

¹ 44 FR 61096 (October 23, 1979); and 37 FR 14831 (July 25, 1972).

brought by EPA to enforce these requirements.

This action is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally, a Regulatory Impact Analysis is not being prepared under Executive Order 12291 for this "within the scope" determination since it is not a rule.

This action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2), because the action is not required to undergo prior "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small entities.

Dated: March 26, 1986.

J. Craig Potter,

Assistant Administrator for Air and Radiation.

[FR Doc. 86-7944 Filed 4-9-86; 8:45 am]

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[Docket No. ECAO-HA-83-4; ORD-FRL-2999-6]

Draft Health Assessment Document for Beryllium; Availability of Second External Review Draft

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of second external review draft.

SUMMARY: This notice announces the availability of a second external review draft of the *Health Assessment Document for Beryllium*.

DATES: The Agency will make the document available for public review and comment on or about Monday, April 14, 1986. Comments must be postmarked by Friday, May 23, 1986.

ADDRESSES: To obtain a copy of the document, interested parties should contact the ORD Publications Center, CERL-FRN, U.S. Environmental Protection Agency, 26 W. St. Clair St., Cincinnati, OH 45268 (513) 569-7562, (FTS: 684-7562), and request the second external review draft of the *Health Assessment Document for Beryllium*. Please provide your name, mailing address, and the EPA document number, EPA-600/8/84/026B.

The draft document will also be available for public inspection and copying at the EPA library, EPA headquarters, Waterside Mall, 401 M Street SW., Washington, DC 20460.

Comments on the draft document should be sent to: Project Manager for Beryllium, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD-52, Research Triangle Park, NC 27711.

FOR FURTHER INFORMATION CONTACT: Ms. Diane Ray, U.S. Environmental Protection Agency, Environmental Criteria and Assessment Office, MD-52, Research Triangle Park, NC 27711 (919) 541-3637, (FTS: 629-3637).

SUPPLEMENTARY INFORMATION: In March 1973, the Agency's Office of Air Quality Planning and Standards issued the document *Background Information on the Development of National Emission Standards for Hazardous Air Pollutants: Asbestos, Beryllium and Mercury* (APTD-1503). On April 6, 1973, the Agency promulgated national emission standards for these substances (38 FR 8826).

The Agency's current draft document on beryllium reviews and evaluates new health effects information available on this substance since 1973. The Agency issued a first external review draft for public comment from December 21, 1984, through February 22, 1985 (49 FR 49369) and held a Science Advisory Board meeting on the draft on June 4, 1985 (50 FR 20290). Comments received during the public comment period and recommendations made at the Science Advisory Board's meeting have been reviewed and incorporated, where appropriate, into the second external review draft. The document will become part of the Agency's decision-making process to review and to revise, as appropriate, the current emission standards for beryllium (40 CFR Part 61, Subparts c and d) under the Clean Air Act.

Dated: April 1, 1986.

Norbert Jaworski,

Acting Assistant Administrator for Research and Development.

[FR Doc. 86-7939 Filed 4-9-86; 8:45 am]

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[OPTS-140049A; FRL-3000-5]

Toxic and Hazardous Substances Control; Access to Confidential Business Information by Midwest Research Institute

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA has authorized Midwest Research Institute (MRI) of Kansas City, Missouri for access to information which has been submitted to EPA under sections 4, 6, and 8 of the Toxic

Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

FOR FURTHER INFORMATION CONTACT:

Edward A. Klein, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-543, 401 M Street SW., Washington, DC 20460. Toll-free: (800-424-9065). In Washington, DC: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under TSCA, EPA must determine whether the manufacture, processing, distribution in commerce, use, or disposal of certain chemical substances or mixtures may present an unreasonable risk of injury to human health or the environment. New chemical substances, i.e., those not listed on the TSCA Inventory of Chemical Substances, are evaluated by EPA under section 5 of TSCA. Existing chemical substances, i.e., those listed on the TSCA Inventory, are evaluated by the Agency under sections 4, 6, 7, and 8 of TSCA. In assessing the risk presented by a given chemical under review, EPA must estimate levels of human exposure to and environmental release of the chemical. Estimates used by the Agency are frequently derived through exposure assessment models. These models are sometimes translated into specific analytical guidelines which are used in developing OTS rulemaking packages.

Under Contract No. 68-02-3938, MRI, 425 Volker Boulevard, Kansas City, MO 64110, will assist the Agency in the development, review, and testing of the exposure assessment models described above for a wide variety of specific chemical compounds. This contract was previously announced in the *Federal Register* of April 26, 1984 (49 FR 18036). Under it, EPA tasked its contractor, MRI to review, test, and audit proposed alternative polychlorinated biphenyls (PCBs) destruction methods submitted by potential permittees under section 6 of TSCA. This notice announces that MRI's access has expanded to include CBI submitted under sections 4 and 8, as well as section 6.

In accordance with 40 CFR 2.306(j), EPA has determined that MRI will require access to CBI submitted to EPA under TSCA to successfully perform timely sampling and analysis of a wide variety of specific chemical compounds. Specifically MRI personnel will be given access to environmental fate and human exposure data reported to the Agency under sections 4 and 6 of TSCA. Also, MRI personnel will require access to comments submitted in response to